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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/531,812	04/18/2005	Mikiya Yamagishi	05677/0202587-US0	3687

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EXAMINER
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KOTTER, KIP T

ART UNIT	PAPER NUMBER
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3617

DATE MAILED: 12/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/531,812

Applicant(s)

YAMAGISHI, MIKIYA

Examiner

Kip Kotter

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) 2 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 April 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 18 April 2005.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: **56**. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: **50a**. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance. **No new matter should be entered.**

### *Specification*

2. The disclosure is objected to because of the following informalities:
- On page 1, line 7, commas should be inserted after "vehicles" and "automobiles".
  - On page 1, lines 10-12, the phrase "the wheel for vehicles is increasingly required of appearance characteristic of external appearance design" should be changed to – **the wheel for vehicles is increasingly required to have external appearance design characteristics** –.
  - On page 2, line 17, commas should be inserted after "portion" and "driving".

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- On page 2, line 31, the phrase “Abnormal sound, noise, produced” should be changed to – **Abnormal sound and noise produced** –.
- On page 3, line 22 and page 7, line 8 – **the** – should be inserted between “covering” and “approximately”.
- On page 4, line 22, “further lower” should be changed to – **even lower** –.
- On page 4, line 24, “further well” should be changed to – **better** –.
- On page 6, line 14, “relatively a” should be changed to – **a relatively** –.
- On page 6, line 16, the period after “like” should be deleted.
- On page 6, line 23, “further” should be changed to – **more** –.
- On page 8, line 4, commas should be inserted after “other” and “example”.
- On page 8, line 22, a comma should be inserted after “Accordingly”.
- On page 8, line 28, – **a** – should be inserted before “specified”.
- On page 8, line 32 and page 9, line 9, commas should be inserted after “made” and “example”.
- On page 14, line 14, “are made” should be deleted.
- On page 15, line 26, the phrase “that is tight contact” should be changed to – **in that tight contact** –.
- On page 16, line 5, – **with** – should be inserted between “form” and “excellent”.
- On page 17, line 6, – **the** – should be inserted between “which” and “entire”.
- On page 17, line 13, the period after “follows” should be changed to a colon.
- On page 18, line 25, “of” should be changed to – **by** –.

- On page 18, line 28 and page 19, line 25, – **in** – should be inserted between “constituted” and “that”.

***Claim Objections***

3. Claim 1 is objected to because of the following informalities: the comma after “partially covering” should be deleted, “potions” between “spoke” and “provided” should be changed to – **portions** –; “a” between “with” and “thin” should be deleted, and – **the** – should be inserted between “covering” and “approximately”. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 5 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The term “to be” renders the claim indefinite, as it is not clear whether the shape of the disk radial portion is raised axially outward or solely capable of being raised axially outward.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1 and 3-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Chase (U.S. Patent No. 5577809).

Chase discloses a vehicle wheel comprising: a wheel base unit **11** having a disk portion **18** and a rim portion **12**; and a cover **20** attached to the wheel base unit portion **11**, wherein the cover **20** has deformable narrow spoke portions **14b** (the narrow spoke portions **14b** deform when the cover **20** is attached to the wheel base unit portion **11**) for partially covering along a radial direction of the wheel, a disk radial portion **18** interconnecting the rim portion **12** and a hub attachment portion **15** to be connected to an axle, with the deformable narrow spoke portions **14b** provided with thin, deformable parts (unlabeled) covering the approximately middle part of the disk radial portion **18**, wherein the deformable narrow spoke portions **14b** of the cover **20** have an inside surface shape to come into contact with a covered surface of the outside surface of the disk radial portion **18** covered with the deformable narrow spoke portions **14b** (as shown in Fig. 4, the cover **20** is in contact with web **14a**, part of the disk radial portion **18**, near fastener **40**), wherein the deformable narrow spoke portions **14b** have side edges (**38** in Fig. 4) to come into contact with a covered surface of the disk radial portion **18**, and the disk radial portion **18** of the wheel base unit is shaped to be raised axially outward as shown in Fig. 5.

### *Conclusion*

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The references show other wheel covers.


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kip Kotter whose telephone number is (571) 272-7953. The examiner can normally be reached on 9:00-4:00pm est.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Samuel J. Morano can be reached on (571) 272-6684. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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RUSSELL D. STORMER  
PRIMARY EXAMINER 11/27/09